

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-6238**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL RALPH SAQUELLA, a/k/a Michael Paloma, a/k/a Michael  
Blake,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Alexandria. Leonie M. Brinkema,  
District Judge. (1:07-cr-00305-LMB-1)

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Submitted: July 29, 2011

Decided: August 15, 2011

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Before SHEDD, DUNCAN, and WYNN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Jeffrey M. Brandt, ROBINSON & BRANDT, P.S.C., Covington,  
Kentucky, for Appellant. Neil H. MacBride, United States  
Attorney, David B. Goodhand, Assistant United States Attorney,  
Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Ralph Saquella appeals the district court's order denying his Motion to Amend Judgment. On appeal, Saquella contends that the district court erred in failing to give him notice and an opportunity to clarify his intent in filing the motion before declining to recharacterize it as a 28 U.S.C.A. § 2255 (West Supp. 2011) motion. Finding no error, we affirm.

Federal courts may, but are not required to, "ignore the legal label that a pro se litigant attaches to a motion and recharacterize the motion in order to place it within a different legal category." Castro v. United States, 540 U.S. 375, 381 (2003); see United States v. Blackstock, 513 F.3d 128, 132-33 (4th Cir. 2008); see also United States v. Valadez-Camarena, 402 F.3d 1259, 1261 (10th Cir. 2005) (finding no abuse of discretion when district court elected not to recharacterize pro se litigant's pleading as § 2255 motion). While a district court is required to give a litigant notice and an opportunity to withdraw or amend the motion before recharacterizing a pleading as a first § 2255 motion, Castro, 540 U.S. at 383, we conclude that the district court did not err by declining to recharacterize Saquella's motion without providing notice or an opportunity for Saquella to clarify the intent of his motion.

Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and

legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED